

MAC THORNBERRY
13TH DISTRICT
TEXAS



Congress of the United States
House of Representatives

December 10, 2009

ARMED SERVICES COMMITTEE
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington D.C., D.C. 20554

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Navigation
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Dear Honorable Genachowski,

More than five months ago, Baja Broadband, a small cable operator serving constituents in my district, petitioned the FCC for a limited, partial waiver from the "integration ban." It is my understanding that Baja has determined that it is unable to upgrade an analog cable system to digital as a result of its inability to purchase lower-cost refurbished set-top boxes. As a result, Baja does not offer high-definition, digital video recorder, video-on-demand, enhanced guide, telephone or other digital services in the community.

In Section 629(c) of the Communications Act, as revised by the Telecommunications Act of 1996, Congress required the Commission to grant waiver requests of its navigation device rules "within 90 days of filing if an appropriate showing has been made." Even aside from this requirement, I trust you agree that the Commission should act promptly to resolve requests especially when, as is the case here, consumers are currently unable to obtain digital services as a result of the Commission's application of the ban.

I ask that the Commission will give immediate and serious consideration to its request, for the benefit of my constituents and as required by law. Thank you for your consideration.

Sincerely,

Mac Thornberry
Member of Congress

WMT/js

31 DEC 2009



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

June 9, 2010

The Honorable Mac Thornberry
U.S. House of Representatives
2209 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Thornberry:

Thank you for your letter regarding a *First Amended Request for Waiver* that Baja Broadband Operating Company, LLC, filed with the Commission. Specifically, Baja Broadband requested a waiver of the Commission's rule (76.1204(a)(1)) that prohibits cable television system operators from deploying new set-top boxes with integrated security (the "integration ban").

The Baja Broadband petition sought a waiver of the integration ban so that the company may provide consumers with refurbished integrated navigation equipment, including high-definition (HD) and digital video recorder (DVR) devices. On March 4, 2010, the Commission's Media Bureau adopted a *Memorandum Opinion and Order* (DA 10-373) granting Baja's waiver request, with conditions. Specifically, Baja is required to purchase its refurbished devices only from companies that also commit to sell the devices directly to Baja's subscribers. Baja also is required to notify its subscribers that refurbished devices are available for purchase directly from Baja's supplier, and provide subscribers with the contact information for the supplier. For your information, I am enclosing a copy of the Bureau's *Order*.

I appreciate your interest in this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Julius Genachowski

Enclosure